

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ALEXANDER EGAN,

Plaintiff,

v.

**MIDLAND FUNDING, LLC AKA
MIDLAND FUNDING NCC-2 CORP.,
and GORDON AYLWORTH &
TAMI PC,**

Defendants.

Case No. 3:16-cv-01847-PK

OPINION AND ORDER

MOSMAN, J.,

On August 28, 2017, Magistrate Judge Paul Papak issued his Findings and Recommendation (F&R) [57], recommending that Plaintiff Alexander Egan's Motion for Attorney Fees and Costs [22] should be GRANTED in part and DENIED in part and that Plaintiff's Bill of Costs [21] should be GRANTED. Defendant Gordon Alyworth & Tami, PC objected [59] and Plaintiff Alexander Egan responded [60].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Papak's recommendation and I ADOPT the F&R [57] as my own opinion. The Motion for Attorney Fees and Costs [22] is GRANTED in part and DENIED in part. The Bill of Costs [21] is GRANTED. Defendants are ordered to pay Plaintiff's attorney fees in the amount of \$23,810 and costs in the amount of \$400.

IT IS SO ORDERED.

DATED this 14th day of November, 2017.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge